

## **Federal Operating Permit Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	GEO Specialty Chemicals Incorporated
Facility Name:	GEO Specialty Chemicals Incorporated
Facility Location:	27047 Shady Brook Trail Courtland, Virginia 23837
Registration Number:	61440
Permit Number:	TRO-61440

March 12, 2004  
Effective Date

March 12, 2009  
Expiration Date

\_\_\_\_\_(for)  
Director, Department of Environmental Quality

March 12, 2004  
Signature Date

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## **I. Facility Information**

### **Permittee**

GEO Specialty Chemicals Incorporated  
3201 Enterprise Parkway  
Suite 490  
Cleveland, Ohio 44122

### **Responsible Official**

Mr. David F. Souza  
Production Manager

### **Facility**

GEO Specialty Chemicals Incorporated  
27047 Shady Brook Trail  
Courtland, Virginia 23837

### **Contact Person**

Mr. Stephen G. Spence  
Environmental & Safety Supervisor  
(757) 562-3121 Ext. 112

**AFS Identification Number:** 51-175-00058

### **Facility Description:**

SIC Code 2869 – Industrial Organic Chemicals, Not Elsewhere Classified.

The main manufacturing process at the facility is the Vulcup® process that produces various organic peroxides, blends of the peroxides, and support grades of the peroxides on solid substrate materials.

## II. Emission Units

The following naming system was used to identify emission units, stacks/vents, and control equipment associated with the Vulcup® process. Two letters VC is for the Vulcup® process. A third letter “E”, “S”, or “C” denotes an emission unit or group of units, stack/vent, or control device, respectively. The next two numbers are essentially consecutive numbers used for each category to indicate a unit or a group of units with common function. For example VCE01 represents the emission group in the first step of the Vulcup® process. Each emission unit in VCE01 is then identified by its own equipment ID number. Stack/vents and control devices are always individual units, e.g. VCS01 and VCC05 are stack 01 and control device 05, respectively, hence, no further identification is necessary. Equipment to be operated consists of:

Emission Group/ Unit ID	Stack/Vent ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>VCE01/</b>		Raw material storage/feed tanks					
T-102	VCS01	VOC storage tank, 1970	-	-	-	-	-
T-104	VCS02	VOC storage tank, 1970	-	-	-	-	-
T-108	VCS03	Caustic storage tank	-	-	-	-	-
T-300	VCS04	VOC feed tank, 1970	-	-	-	-	-
<b>VCE02/</b>							
R-200	VCS05	Reactor, 1971	-	-	-	-	-
<b>VCE03/</b>		Intermediate processing					
T-202	VCS06	Intermediate tank, 1970	-	-	-	-	-
T-204	VCS08	Intermediate tank, 1970	-	-	-	-	-
T-312A	VCS09	Wastewater tank, 1970	-	-	-	-	-
<b>VCE05/</b>		Raw material storage/feed (solvents) tanks					
T-306	VCS11	VOC tank, 1970	-	-	-	-	-
T-100	VCS12	VOC tank, 1970	-	-	-	-	-

Emission Group/ Unit ID	Stack/Vent ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>VCE06/</b>							
T-206	VCS14	Intermediate processing Process unit, 1970	-	-	-	-	-
T-208	VCS15	Intermediate tank, 1970	-	-	-	-	-
S-210	VCS16	Process unit, 1970	-	-	-	-	-
V-E-208	VCS16c	Process Condenser System, 1995, for recovery of solvents from vents VCS 04, 06, 08, 15, 16, and 16a	-	-	-	-	-
<b>VCE06a/</b>							
G-212	VCS16a	Process unit, 1970	-	-	-	-	-
C-401	VCS16b	Process unit, 1970	-	-	-	-	-
<b>VCE07/</b>							
T-302	VCS13	Solvent recovery VOC tank, 1970	-	-	-	-	-
T-304-5	VCS17	Batch still, recovery tank, 1970	-	-	-	-	-
<b>VCE08/</b>							
T-112	VCS18	Raw material storage/feed tanks	-	-	-	-	-
T-113	VCS19	VOC storage tank, 1981	-	-	-	-	-
T-314	VCS19a	VOC storage tank, 1981	-	-	-	-	-
T-406	VCS20	VOC storage tank, 1970	-	-	-	-	-
T-320	VCS21	VOC storage tank, 1970	-	-	-	-	-
T-308	VCS38	VOC tank, 1970	-	-	-	-	-
T-301	VCS40	Blended Grade tank, 1970	-	-	-	-	-
<b>VCE09/</b>							
R-404	VCS22	Reactors	-	-	-	-	-
R-404A	VCS23	Reactor, 1970	-	-	-	-	-

Emission Group/ Unit ID	Stack/Vent ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>VCE10/</b>							
T-410	VCS24	Product processing Process tank, 1970	-	-	-	-	-
T-402	VCS25	Caustic blend tank, closed top, 1974	-	-	-	-	-
T-312B	VCS26	Wastewater tank, 1994	-	-	-	-	-
<b>VCE10a/</b>		Recovery Process					
T-313	VCS27	Recovery tank, 1977	-	-	-	-	-
<b>VCE11/</b>		Evaporation					
T-412	VCS28	Feed tank, 1970	-	-	-	-	-
T-416	VCS29	Hotwell, 1993	-	-	-	-	-
T-303	VCS29a	Separator tank, 1979	-	-	-	-	-
T-305	VCS29b	Separator tank, 1970	-	-	-	-	-
<b>VCE12/</b>		Solvent Recovery					
T-318	VCS30	VOC feed tank, 1970	-	-	-	-	-
<b>VCE13/</b>		Product Storage tanks					
T-418A	VCS31	Vulcup R Product tank, 1970	-	-	-	-	-
T-418B	VCS32	Vulcup R Product tank, 1970	-	-	-	-	-
T-418C	VCS33	Vulcup R Product tank, 1979	-	-	-	-	-
T-418D	VCS34	Vulcup R/ D-16 Product tank, 1979	-	-	-	-	-
T-419	VCS35	Vulcup R/ D-16 Product tank, 1994	40 to <75 m3	-	-	-	-

Emission Group/ Unit ID	Stack/Vent ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
<b>VCE13a/</b>		Product Blending Process					
T-101-1	VCS36	Blended grade tank, 1991	-	-	-	-	-
T-101-2	VCS37	Blended grade tank, 1991	-	-	-	-	-
T-504	VCS39	Blended grade tank, 1974	-	-	-	-	-
<b>VCE14</b>	VCS41	Packaging area	-	Baghouse fabric filters, 1971, 99+% control efficiency	VCC05	PM/PM-10	-

\*The Size/Rated capacity and PCD efficiency is provided for informational purposes only, and is not an applicable requirement.

### **III. Process Equipment Requirements – (Emission groups ID# VCE01 to 14)**

#### **A. Limitations**

1. Particulate emissions from the packaging area (VCE14) shall be controlled by fabric filters (VCC05). The fabric filters shall be provided with adequate access for inspection.

(9 VAC 5-80-110)

2. Particulate matter emissions from the fabric filter exhaust (VCS41) shall not exceed the process weight limit as determined by the following equation:

$$E = 4.10P^{0.67}$$

Where:

E = emission rate in lb/hr

P = process weight rate in tons/hr

Compliance with this condition may be determined as stated in Condition numbers III.A.3, and III.B.1-2.

(9 VAC 5-80-110 and 9 VAC 5-40-260)

3. Visible emissions from the fabric filter exhaust (VCS41) shall not exceed twenty (20) percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed sixty (60) percent opacity.

(9 VAC 5-80-110 and 9 VAC 5-40-80)

#### **B. Monitoring and Recordkeeping**

1. The fabric filters shall be inspected every time the product to be packaged in the packaging area (VCE14, Stack/Vent VCS41) is changed, or every 30 days, whichever the duration between inspections would be shorter. The inspection results shall be recorded in an inspection log, including the date, name of the inspector, name of the product, inspection results and any necessary corrective action. Fabric filter bags shall be replaced as necessary.

(9 VAC 5-80-110)



2. The permittee shall check the fabric filter exhaust (VCS41) at least once per day during daylight hours of operations for visible emissions for at least six minutes. If visible emissions are noted from any vent/stack, operational adjustment or maintenance shall be performed to eliminate the visible emissions. If visible emissions continue after the corrective actions, a visible emissions evaluation (VEE) shall be immediately conducted on each vent/stack for at least six minutes in accordance with Method 9 (40 CFR 60, Appendix A). If the VEE opacity average for any vent/stack exceeds ten (10) percent, the VEE shall continue for one hour from initiation to determine compliance with the opacity limit. Results of observations and/or VEEs shall be recorded in the operation log.

Records of observations shall include the following:

- a. The name of the observer,
- b. Date and time of the observation,
- c. An indication of presence or absence of visible emissions,
- d. The color of the emissions,
- e. Whether the emissions are representative of normal operation,
- f. If emissions are not representative of normal operation, the cause of the abnormal emissions,
- g. The duration of any visible emission incident, and any corrective action to eliminate visible emissions.

If a VEE is conducted, records shall be in accordance with Method 9 (40 CFR 60, Appendix A).

(9 VAC 5-80-110E)

3. Maintenance/Operating Procedures/Training - The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment (VCC05):
  - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
  - b. Maintain an inventory of spare parts.
  - c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.

- d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

(9 VAC 5-80-110 and 9 VAC 5-40-20 E)

- 4. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to the following:
  - a. Records of the fabric filters inspections, and any corrective action.
  - b. Records of the daily visible emission checks, any corrective actions to reduce visible emissions, and visible emissions evaluations.
  - c. Records of scheduled and unscheduled maintenance, inventory of spare parts, training records, and operating procedures for equipment as required in Condition III.B.3.
  - d. Records of any pollutant-specific emission factors, calculation methods, and all information needed to calculate annual actual emissions for the facility's annual Emission Statement report as required in Condition III.D.1.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110)

**C. Testing**

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.  
(9 VAC 5-40-30 and 9 VAC 5-80-110)
2. If testing to demonstrate compliance is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
PM/PM-10	EPA Method 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

**D. Reporting**

1. The permittee shall file an annual Emissions Statement with the Department of Environmental Quality no later than April 1 of each calendar year in accordance with the provisions of 9 VAC 5-20-121.

(9 VAC 5-80-110 G 6 and 9 VAC 5-20-121)

#### IV. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
V-321	Floor Drains Collection Tank	9 VAC 5-80-720 B 2	VOC	NA
V-310	Sodium Carbonate Tank	9 VAC 5-80-720 A 42	NA	NA
T-511	Tote Cleaning Vat	9 VAC 5-80-720 B 2	VOC	NA
T-512	Tote Cleaning Vat Water System	9 VAC 5-80-720 B 2	VOC	NA
T-611	Tote Cleaning Vat	9 VAC 5-80-720 B 2	VOC	NA
T-612	Tote Cleaning Vat Water System	9 VAC 5-80-720 B 2	VOC	NA
T-501	Support Grade Water System	9 VAC 5-80-720 B 1&2	PM/PM-10 & VOC	NA
T-507	Support Grade Water System	9 VAC 5-80-720 B 1&2	PM/PM-10 & VOC	NA
Unassigned	Sample melter for Support Grade Rework	9 VAC 5-80-720 B 1&2	PM/PM-10 & VOC	NA
Unassigned	Totes/Drums for Support Grade Packing	9 VAC 5-80-720 B 1&2	PM/PM-10 & VOC	NA
V-323	Hot Water System	9 VAC 5-80-720 B 1 to 4	All criteria pollutants	NA
Unassigned	Warehousing/Storage/ Offices	9 VAC 5-80-720 A 5 and 9 VAC 5-80-720 B 1 to 4	All criteria pollutants	NA

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## V. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements, which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60 Subpart Kb	NSPS for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984 (as amended on October 15, 2003).	Volatile Organic Liquid storage vessels that are constructed, reconstructed, or modified after July 23, 1984, and have a capacity greater than or equal to 75 m <sup>3</sup> . Exceptions apply to vessels with a capacity greater than or equal to 151 m <sup>3</sup> storing a liquid with a maximum true vapor pressure less than 3.5 kPa, or with a capacity greater than or equal to 75 m <sup>3</sup> but less than 151 m <sup>3</sup> storing a liquid with a maximum true vapor pressure less than 15.0 kPa.
40 CFR 60 Subpart III	NSPS for VOC Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOMCI) Air Oxidation Unit Processes.	SOCMI Air Oxidation units that were constructed, modified, or reconstructed after October 21, 1983, and produce chemicals listed in 40 CFR 60.617 as a product, co-product, by-product, or intermediate.
40 CFR 60 Subpart NNN	NSPS for VOC Emissions from SOCMI Distillation Operations.	SOCMI distillation units (as defined in 40 CFR 60.661) that were constructed, modified, or reconstructed after December 20, 1983, and produce chemicals listed in 40 CFR 60.667 as a product, co-product, by-product, or intermediate.
40 CFR 60 Subpart RRR	NSPS for VOC Emissions from SOCMI Reactor Processes.	SOCMI reactor processes that were constructed, modified, or reconstructed after June 29, 1990, and produce chemicals listed in 40 CFR 60.707 as a product, co-product, by-product, or intermediate, and were not batch operations (as defined in 40 CFR 60.701).

Citation	Title of Citation	Description of Applicability
40 CFR 60 Subpart VV	NSPS for equipment leak of VOC in SOCMI.	SOCMI equipment (as defined in 40 CFR 60.481) that was constructed, modified, or reconstructed after January 1, 1981, and produce chemicals listed in 40 CFR 60.489 as a final product or intermediate.
40 CFR 63 Subparts F, G, H, and I	Hazardous Organic NESHAP (HON) MACT.	SOCMI major HAP sources that meet the criteria of 40 CFR 63.100 (b)(1) to (3).
40 CFR 63 Subpart Q	Cooling Tower MACT.	Facilities that had previously used chromium-based water treatment chemicals in the cooling towers.
40 CFR 63 Subpart FFFF	NESHAP Standards for Miscellaneous Organic Chemical Manufacturing (MON)	Miscellaneous organic chemical manufacturing process units that are located at, or are part of, a major source of HAP emissions.
9 VAC 5-40-300	Standard for volatile organic compounds for General Process Operations	Facilities located in the Northern Virginia or Richmond Emission Control Area as defined in 9 VAC 5-20-206.
9 VAC 5-40-3410 et seq. (Rule 4-25)	Emission Standards For Volatile Organic Compound Storage and Transfer Operations.	Facilities located in a VOC control area as defined in 9 VAC 5-20-206.

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

## **VI. General Conditions**

### **A. Federal Enforceability**

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### **B. Permit Expiration**

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

### **C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **January 29** and **July 30** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
  - a. The time period included in the report. The time periods to be addressed are June 1 to November 30 and December 1 to May 31.
  - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

(1) Exceedance of emissions limitations or operational restrictions;



- (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
  - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **January 29** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The period to be addressed is December 1 to November 30.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)  
U. S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

**E. Permit Deviation Reporting**

The permittee shall notify the Director, Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VI.C.3. of this permit.  
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

**F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.  
(9 VAC 5-20-180 C)

**G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9 VAC 5-80-110 G.1)

#### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

#### **I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

#### **J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

#### **K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

#### **L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

**M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

**N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

**O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

**P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1. (9 VAC 5-80-110 J)

**Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

**R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

**S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

**T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.  
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-160)

#### **U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.  
(9 VAC 5-80-250)

**V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

**W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

**X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

**Y. Asbestos Requirements**

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).

(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

**Z. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

**AA. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)



**BB. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

**VII. State-Only Enforceable Requirements**

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. The facility is subject to the Emission Standards for Odor in 9 VAC 5-40-130 et seq. (Rule 4-2), and the Standards of Performance for Odorous Emissions in 9 VAC 5-50-130 et seq. (Rule 5-2).

(9 VAC 5-80-110 N and 9 VAC 5-80-300)